

REMARKS

Claims 1, 20 and 22 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **November 17, 2003**.

Claim Rejections under 35 USC §102

Claims 1 and 8-11 are rejected under 35 USC §102(e) as being anticipated by Kato (U.S. Patent No. 6,266,085).

The Kato reference discloses a device providing a motion window at a partial region in a still picture. However, the motion window provided at a region of the still picture is provided in accordance with the moving direction of the video camera, It differs from the method of the present invention by which a motion picture or a through picture is formed.

The applicant does not agree with the Examiner's statement that "Kato shows in Fig. 2 that current imaging visual field 44 is formed at a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame to form a rectangle, as recited in claim I". Although current imaging visual field 44 shown in Fig. 2 in the Kato reference has a top left point and a bottom right point since it is a rectangle, the size and position of current imaging visual field 44 are not defined by setting the top left point and the bottom right point.

The aspect ratio of current imaging visual field 44 in the Kato reference is constant independent of the size and position. In the invention of the present application, the aspect ratio of the motion image frame in the present invention can be set arbitrarily since the bottom right point with respect to the top left point can be set arbitrarily as long as it is located below and right to the top left point.

Therefore, claims 1 and 20 of the present application patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“A digital camera, comprising: image pickup means for picking up an image of an object; a monitor for displaying an image; first forming means responsive to a motion image frame forming instruction by an operator for forming a motion image frame smaller than a monitor frame on said monitor; and motion image display means for displaying a motion image of said object picked up by said image pickup means in said motion image frame wherein the motion image frame is formed at a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame to form a rectangle, wherein an aspect ratio of a motion image frame or through image can be set arbitrarily since a bottom right point with respect to a top left point can be set arbitrarily as long as said bottom right point is below and right to said top left point.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1 and 8-11 under 35 USC §102(e) as being anticipated by Kato (U.S. Patent No. 6,266,085) is respectfully requested.

Claim Rejections under 35 USC §103

Claims 1-3 and 5-7 are rejected under 35 USC §103(a) as being unpatentable over Sarbadhikari (U.S. Patent No. 5,477,264).

The Sarbadhikari reference discloses an electronic image system that is capable of synthesizing images using a template. The size, position, and shape of the region displaying a captured image in the template are preset for each template, and cannot be set arbitrarily by the user as in the present invention.

Therefore, for the reasons previously stated independent claims 1 and 20 patentably distinguish over the prior art relied upon. Therefore, withdrawal of the rejection of Claims 1-3 and 5-7 under 35 USC §103(a) as being unpatentable over Sarbadhikari (U.S. Patent No. 5,477,264) is respectfully requested.

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Sarbadhikari (U.S. Patent No. 5,477,264) in view of Shibata (U.S. Patent No. 5,689,300).

The Shibata reference discloses an AV meeting terminal that can display a reception motion picture at a region of a received still picture. The region where the reception motion picture is to be displayed is preset, and cannot be set arbitrarily by the user as in the present invention.

Therefore, for the reasons previously stated independent claims 1 and 20 patentably distinguish over the prior art relied upon. Claim 4 is allowable by virtue of its dependence upon an allowable independent claim. Therefore, withdrawal of the rejection of Claim 4 under 35 USC §103(a) as being unpatentable over Sarbadhikari (U.S. Patent No. 5,477,264) in view of Shibata (U.S. Patent No. 5,689,300) is respectfully requested.

Claims 12, 13, 20 and 21 are rejected under 35 USC §103(a) as being unpatentable over Kato in view of Sarbadhikari.

The Kato reference discloses a device providing a motion window at a partial region in a still picture. However, the motion window provided at a region of the still picture is provided in accordance with the moving direction of the video camera, It differs from the method of the present invention by which a motion picture or a through picture is formed.

The applicant does not agree with the Examiner's statement that "Kato shows in Fig. 2 that current imaging visual field 44 is formed at a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame to form a rectangle, as recited in claim I". Although current imaging visual field 44 shown in Fig. 2 in the Kato reference has a top left point and a bottom right point since it is a rectangle, the size and position of current imaging visual field 44 are not defined by setting the top left point and the bottom right point.

The aspect ratio of current imaging visual field 44 in the Kato reference is constant independent of the size and position. In the invention of the present application, the aspect ratio of the motion image frame in the present invention can be set arbitrarily since the bottom right point with respect to the top left point can be set arbitrarily as long as it is located below and right to the top left point.

The Sarbadhikari reference discloses an electronic image system that is capable of synthesizing images using a template. The size, position, and shape of the region displaying a captured image in the template are preset for each template, and cannot be set arbitrarily by the user

as in the present invention.

Therefore, claims 1 and 20 of the present application patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 20,

“A digital camera having a recording mode for recording a through image of an object picked up through an optical system, a reproducing mode for reproducing a second recorded image, and an image synthesizing mode for generating a synthesized image of the through image and the reproduced image, comprising: image display means for displaying an image; setting means for setting, in said image synthesizing mode, a through image display area on a part of a reproduced image displayed by said image display means; image synthesizing means for generating said synthesized image by displaying the through image on the through image display area set by said setting means; and recording means for recording the synthesized image generated by said image synthesizing means, wherein the through image is formed at a first point on the object in a top left position picked up through the optical system and intersecting at a second point on the object in a bottom right position picked up through the optical system to form a rectangle, wherein an aspect ratio of a motion image frame or through image can be set arbitrarily since a bottom right point with respect to a top left point can be set arbitrarily as long as said bottom right point is below and right to said top left point..” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 12, 13, 20 and 21 under 35 USC §103(a) as being unpatentable over Kato in view of Sarbadhikari is respectfully requested.

Allowable Subject Matter

Claim 22 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 has been rewritten to include all the limitations of claims 20 and 21. Therefore, allowance of claim 22 is respectfully requested.

Conclusion

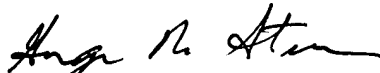
In view of the aforementioned amendments and accompanying remarks, claims 1, 20 and 22, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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